REMARKS

Claims 1-51 were filed. Claims 27-51 have been withdrawn from consideration as a result of a restriction requirement. Claims 1-26 were provisionally rejected under double patenting doctrine. Claims 1-4, 10 and 17 were rejected under 35 U.S.C. § 102. Claims 5-9, 11-16 and 18-26 were rejected under 35 U.S.C. § 103. Claims 27-51 have been canceled. Claims 52-72 have been added. Reconsideration and allowance of Claims 1-26, and allowance of Claims 52-72, is requested.

Rejection of Claims under Double Patenting Doctrine

In the Office Action, Claims 1-4, 10 and 17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255.

Regarding Claim 1 of the instant application, the Office Action stated:

> [C]laim 1, which depends on claim 22, of #255 teach a method comprising the steps of: evaluating data regarding the content of the visual recording and/or data regarding the manner in which the visual recording was obtained (e.g., see claims 1 and 22 of #255).
>
> selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, wherein the selected clips of the visual recording comprise less than all of the visual recording, and wherein the step of selecting and/or the step of evaluating are performed, at least in part, automatically (e.g. see claim 1 and 22 of #255);

However, #255 fails to teach discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium. Crane et al teach discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium (e.g. e.g. column 10, lines 56-67, and column 11, lines 9-18, the synthesized clips which are not in used by the new edit list are deleted). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Crane et al into the teaching of #255 to improve the memory usage efficiency.

Claim 1 of U.S. Patent Application Serial No. 10/448,255 has been amended, in a Response to Office Action dated June 10, 2008, to recite:

> A method for creating a summary of a visual recording, comprising the steps of:
> selecting one or more segments of the visual recording, wherein:
> the selected segment or segments of the visual recording comprise less than all of the visual recording; and
> the step of selecting one or more segments of the visual recording comprises the steps of:
> evaluating the visual recording data of the visual recording, wherein the step of evaluating comprises the step of identifying candidate visual images in the visual recording; and
> selecting the one or more segments of the visual recording, based on the evaluation of the visual recording data, wherein the step of selecting comprises the steps of:
> selecting one or more of the candidate visual images from the visual recording; and
> identifying one or more segments of the visual recording that have a specified relationship to one or more of the selected visual images; and
> associating audio content with the selected segment or segments of the visual recording in accordance with one or more characteristics of the

visual recording and/or one or more characteristics of the audio content, wherein:
the audio content is not part of the visual recording; and
the step of associating is performed automatically.

Claim 22 of U.S. Patent Application Serial No. 10/448,255 has been amended, in a Response to Office Action dated June 10, 2008, to recite:

A method for creating a summary of a visual recording, comprising the steps of:
selecting one or more segments of the visual recording, wherein:
the selected segment or segments of the visual recording comprise less than all of the visual recording; and
the step of selecting one or more segments of the visual recording comprises the steps of:
evaluating the visual recording data of each of a plurality of segments of the visual recording; and
selecting the one or more segments of the visual recording, based on the evaluation of the visual recording data of each of the plurality of segments; and
associating audio content with the selected segment or segments of the visual recording in accordance with one or more characteristics of the visual recording and/or one or more characteristics of the audio content, wherein:
the audio content is not part of the visual recording; and
the step of associating is performed automatically.

Claim 1 of the instant application recites:

A method for editing a visual recording stored on a data storage medium, comprising the steps of:
evaluating data regarding the content of the visual recording and/or data regarding the manner in which the visual recording was obtained;
selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, wherein the selected clips of the visual recording comprise less than all of the visual recording,

> and wherein the step of selecting and/or the step of evaluating are performed, at least in part, automatically; and
>
> discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium.

As acknowledged in the Office Action, neither Claim 1 nor Claim 22 of U.S. Patent Application Serial No. 10/448,255 recites the step of discarding recited in Claim 1 of the instant application. However, the Office Action contends that the step of discarding recited in Claim 1 of the instant application is taught by Crane et al. and that it would have been obvious to combine that teaching with the method recited in Claim 1 or the method recited in Claim 22 of U.S. Patent Application Serial No. 10/448,255 to produce the method of Claim 1 of the instant application. As explained in more detail below with respect to the rejection of Claim 1 of the instant application under 35 U.S.C. § 102 as being anticipated by Crane et al., Crane et al. do not teach or make obvious such step of discarding (and that is so whether considered with, or without, the steps of the method recited in Claim 1 or the method recited in Claim 22 of U.S. Patent Application Serial No. 10/448,255). Consequently, the obviousness-type double patenting rejection of Claim 1 of the instant application over either Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255 is improper.

In the Office Action, Claims 11, 16 and 19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al.

(U.S. Patent No. 6,201,924) and Dimitrova et al. (U.S. Patent Application Publication No. 2004/0085340).

Claims 11, 16 and 19 each depend indirectly on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Dimitrova et al. teach or make obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that Dimitrova et al. do not. Thus, Claims 11, 16 and 19 are allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and Dimitrova et al.

In the Office Action, Claims 13, 18 and 20-22 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924) and Cabasson et al. (U.S. Patent No. 6,956,904).

Claims 13, 18 and 20-22 each depend indirectly on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination

with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Cabasson et al. teach or make obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that Cabasson et al. do not. Thus, Claims 13, 18 and 20-22 are allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and Cabasson et al.

In the Office Action, Claim 7 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924) and Hua et al. (U.S. Patent No. 7,127,120).

Claim 7 depends indirectly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Hua et al. teach or make obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that Hua et al. do not.

Thus, Claim 7 is allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and Hua et al.

In the Office Action, Claims 12 and 14 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924) and Nakamura et al. (U.S. Patent Application Publication No. 2003/0187919).

Claims 12 and 14 each depend indirectly on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Nakamura et al. teach or make obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that Nakamura et al. do not. Thus, Claims 12 and 14 are allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and Nakamura et al.

In the Office Action, Claims 5, 6, 8, 9, 18 and 25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22

of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924) and Shimazaki et al. (U.S. Patent No. 6,160,950).

Claims 5, 6, 8, 9, 18 and 25 each depend, directly or indirectly, on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Shimazaki et al. teach or make obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that Shimazaki et al. do not. Thus, Claims 5, 6, 8, 9, 18 and 25 are allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and Shimazaki et al.

In the Office Action, Claim 23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924) and Nishi et al. (U.S. Patent No. 6,681,395).

Claim 23 depends directly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in

Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Nishi et al. teach or make obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that Nishi et al. do not. Thus, Claim 23 is allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and Nishi et al.

In the Office Action, Claim 24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924), Nishi et al. (U.S. Patent No. 6,681,395) and Shimazaki et al. (U.S. Patent No. 6,160,950).

Claim 24 depends indirectly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Nishi et al. and/or Shimazaki et al. teach or make obvious, alone, together or in any combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and

Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that they do not. Thus, Claim 24 is allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, Nishi et al. and Shimazaki et al.

In the Office Action, Claim 15 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924) and Dimitrova et al. (U.S. Patent No. 6,100,941).

Claim 15 depends indirectly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that Dimitrova et al. teach or make obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that Dimitrova et al. do not. Thus, Claim 15 is allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and Dimitrova et al.

In the Office Action, Claim 26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 22 of U.S. Patent Application Serial No. 10/448,255 in view of Crane et al. (U.S. Patent No. 6,201,924) and the taking of Official Notice.

Claim 26 depends directly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious the step of discarding recited in Claim 1, alone or in combination with Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255. It has not been contended that the taking of Official Notice teaches or makes obvious, alone or in combination with the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, the step of discarding not taught or made obvious by the teaching of Crane et al. and Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and it appears that it does not. Thus, Claim 26 is allowable over the combined teaching of Crane et al., Claim 1 or Claim 22 of U.S. Patent Application Serial No. 10/448,255, and the taking of Official Notice.

In view of the foregoing, withdrawal of the double patenting rejection of Claims 1-26 is requested.

Rejection of Claims under 35 U.S.C. § 102

In the Office Action, Claims 1-4, 10 and 17 were rejected under 35 U.S.C. § 102 as being anticipated by Crane et al. (U.S. Patent No. 6,201,924).

Regarding Claim 1, the Office Action stated:

Crane et al teach a method for editing a visual recording stored on a data storage medium (e.g. column 2, lines 23 57, editing is done on the disk), comprising the steps of:

evaluating data regarding the content of the visual recording and/or data regarding the manner in which the visual recording was obtained (e.g. e.g. column 10, lines 56-67, and column 11, lines 9-18, Mini manager 112 keeps track of which of the synthesized clips are in use at a given time and delete them when appropriate corresponds to "evaluating data"; and clips from the original source tape and synthesized corresponds to "data regarding the manner in which the visual recording was obtained");

selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, wherein the selected clips of the visual recording comprise less than all of the visual recording, and wherein the step of selecting and/or the step of evaluating are performed, at least in part, automatically (e.g. column 10, lines 56-67, and column 11, lines 9-18, Crane et al teach "edit decision list", in column 4, lines 45-48, is a event video indicated by the begin and end time codes and the edit decision list is considered by the examiner as a visual recording summary); and

discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium (e.g. e.g. column 10, lines 56-67, and column 11, lines 9-18, the synthesized clips which are not in used by the new edit list are deleted).

Claim 1 recites:

> A method for editing a visual recording stored on a data storage medium, comprising the steps of:
>
> evaluating data regarding the content of the visual recording and/or data regarding the manner in which the visual recording was obtained;
>
> selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, wherein the selected clips of the visual recording comprise less than all of the visual recording, and wherein the step of selecting and/or the step of evaluating are performed, at least in part, automatically; and
>
> discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium.

As stated at page 1, lines 7-10 of Applicants' specification, "[t]his invention relates ... to automatically editing a visual recording to eliminate content that is of unacceptably low quality and/or very little or no interest." As further stated at page 5, line 15 to page 6, line 11 of Applicants' specification (emphasis added):

> [I]t can be desirable to create a summary of a home video (or other visual recording). ... For instance, it may be desired to create a visual recording summary including only segments of the original, full-length visual recording that are deemed to be of particular interest, i.e., create a "highlights" visual recording. ... However, it can also be desirable to edit a visual recording to produce a visual recording summary of another type. For example, it may be desired to eliminate parts of the visual recording that are deemed to be of unacceptably low quality and/or very little or no interest, such as parts of the visual recording including blurriness, aliasing effects, poor contrast, poor exposure and/or little or no content (e.g., blank images). Creation of a visual recording of that type can require a different approach than that used to create a "highlights" visual recording summary. In particular, if it is desired to permanently discard parts of the visual recording determined to be of unacceptably low quality and/or very little or no interest, it is of the utmost importance to ensure that such determinations are accurate.

As further stated at page 6, lines 12-29 of Applicants' specification (emphasis added):

> The invention can enable automatic generation of a high quality summary of a lengthy visual recording (e.g., consumer video footage). The output produced by the invention is a close approximation to what a consumer would generate if they spent several hours painstakingly hand-editing a digitized visual recording. In particular, the invention can be used to automatically edit a visual recording in a manner that creates a summary of the visual recording in which only content that is of unacceptably low quality and/or very little or no interest (e.g., excessively blurry or saturated visual images, static images, loss-of-video-signal images), is eliminated, thereby enabling the original unsummarized visual recording to be discarded

> if desired. Typically, this will result in a visual recording summary that includes most of the content of the original unsummarized visual recording, i.e., the duration of the visual recording summary is greater than 50% (e.g., 75% or more) of the duration of the original unsummarized visual recording. ...

Finally, as further stated at page 7, lines 16-35 of Applicants' specification (emphasis added):

> According to one aspect of the invention, a visual recording stored on a data storage medium can be edited by selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on an evaluation of data regarding the content of the visual recording and/or data regarding the manner in which the visual recording was obtained (the evaluation of data and/or the selection of clip(s) being performed, at least in part, automatically), and discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium. A particular advantage of this aspect of the invention is that the original unsummarized visual recording can be discarded with little or no loss of visual recording content of interest. The summary of the visual recording requires less data storage capacity to store, can be viewed more quickly and can provide a more enjoyable viewing experience (since content of little or no interest has been discarded) than the original unsummarized visual recording.

It is this aspect of the invention which the method of Claim 1 embodies.

As explained further below, Crane neither teaches nor makes obvious the following aspects of the method recited in Claim 1 (emphasis added): 1) "evaluating data regarding the content of [a] visual recording and/or data regarding the manner in which the visual recording was obtained; [and] selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, ... wherein the step of selecting and/or the step of evaluating are performed, at

least in part, automatically" and 2) "discarding parts of the visual recording not included in the visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium."

Crane et al. teach, in the Abstract of the Crane et al. patent:

> A disk-assisted system for editing video tapes. Source material from video tapes is logged onto random access storage such as a hard disk drive .... By software control, material is cached back and forth between the computer disk and the video tape. Thus editing is accomplished and an edit decision list constructed for compilation of the final video production. This provides the advantage of fast access time for editing of the material which is on the disk while allowing actual physical editing at the end of the project of the actual video tape material. The processes of logging the material onto the disk and editing the final tape are performed automatically.

The edit decision list is used to produce an edited recording on a videotape (see, e.g., column 4, lines 17-20 of the Crane et al. patent).

The Office Action contends that the steps of "evaluating data regarding the content of [a] visual recording and/or data regarding the manner in which the visual recording was obtained; [and] selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation, ... wherein the step of selecting and/or the step of evaluating are performed, at least in part, automatically" recited in Claim 1 are taught by Crane et al. at column 10, lines 56-67; column 11, lines 9-18; and column 4, lines 45-48 of the Crane et al. patent, stating that "Mini manager 112 keeps track of which of the synthesized clips are in use at a given

time and delete them when appropriate corresponds to 'evaluating data'; and clips from the original source tape and synthesized corresponds to 'data regarding the manner in which the visual recording was obtained';" and that "Crane et al teach 'edit decision list', in column 4, lines 45-48, is a event video indicated by the begin and end time codes and the edit decision list is considered by the examiner as a visual recording summary." Applicants note first that the Office Action has not contended that the parts of the Crane et al. patent cited in the Office Action teach "evaluating data regarding the content of [a] visual recording," as recited in Claim 1, and they do not. Further, "clips from the original source tape and synthesized [clips]" cannot be "data regarding the manner in which [a] visual recording was obtained, as recited in Claim 1; they are, instead, the data of the visual recording. Some examples of data regarding the manner in which a visual recording is obtained are data regarding the camera hints criteria (operational parameter(s) of a visual recording apparatus used to obtain a visual recording) described at page 36, line 21 to page 38, line 24 of Applicants' specification, which include use of a "snapshot" button, and zooming or motion (i.e., pan, tilt, rotation) of a visual recording apparatus during recording. Original source clips or clips synthesized from source clips are not data regarding the manner in which a visual recording was obtained; they are (or are created from) the visual recording data itself. Consequently, the parts of the Crane et al. patent cited in the Office Action do not teach "evaluating data

regarding the content of [a] visual recording and/or data regarding the manner in which the visual recording was obtained; [and] selecting one or more clips of the visual recording to be included in a summary of the visual recording, based on the evaluation," as recited in Claim 1. Nor do Crane et al. teach such steps elsewhere in the Crane et al. patent. Moreover, Crane et al. do not teach that the selection of clips for inclusion in an edited recording is done automatically, but, instead, that "[a] user (i.e., editor) selects the clip to be copied from tape to disk" (see column 7, lines 8-9 of the Crane et al. patent). The steps of evaluating and selecting recited in Claim 1 are also not obvious in view of the teaching of Crane et al., since those steps would not be useful in serving the purpose of the Crane et al. invention, which is to facilitate the video editing process (see, e.g., column 2, lines 10-19 of the Crane et al. patent).

The Office Action contends that the step of "discarding parts of [a] visual recording not included in [a] visual recording summary so that the discarded parts of the visual recording are no longer stored on a data storage medium" recited in Claim 1 is also taught by Crane et al. at column 10, lines 56-67 and column 11, lines 9-18 of the Crane et al. patent, stating that "the synthesized clips which are not in used by the new edit list are deleted." Crane et al. teach, at column 10, line 56 to column 11, line 17 of the Crane et al. patent (emphasis added):

> The Mini Manager 112 keeps track of which clips are <u>on disk</u> and how to find them. There are two types of clips on disk: (1) the original source tape and the start and end timecodes on source tape and (2) the clips that are synthesized for a given transition

> between a disk-based clip and another object. The Mini Manager 112 also keeps track of which of these synthesized clips are in use at a given time and delete them when appropriate. For example, synthesized clips should all be deleted when the application is closed, when the user selects a new or saved edit list to work on, and the synthesized clips not in use should be deleted when more space is needed on the disk to store an incoming clip.
>
> ...
>
> The Mini Manager 112 has two functions, (1) creating and deleting the physical files for digitized video on the hard disk and (2) translating between a source identifier and a data file.

The foregoing teaching of Crane et al. only concerns deletion of clips from the disk (which is used to cache clips during the editing process) and not from the source videotape and, moreover, does not concern whether the original source clips are deleted. Crane et al. do not teach that clips not included in an edited visual recording are "discard[ed] ... so that the discarded parts of the visual recording are no longer stored on a data storage medium" (emphasis added), as recited in Claim 1. In fact, Crane et al. indicate the contrary: Crane et al. teach, at column 2, lines 40-42 of the Crane et al. patent, that "[t]he original taped material is always available by means of tape recorders connected to and controlled by the computer system" and, at column 2, lines 47-49 of the Crane et al. patent, that "the original video information is accessible at all times from the tapes which as discussed above are kept on video tape recorders connected to the computer." Nor do Crane et al. make obvious a step of discarding parts of a visual recording as recited in Claim 1, since such step would not be useful in serving the

purpose of the Crane et al. invention (which is to facilitate the video editing process) and since Crane et al., in fact, teach away from such step (as discussed above).

For the foregoing reasons, Claim 1 is allowable over the teaching of Crane et al. Claims 2-4, 10 and 17 each depend on Claim 1, either directly or indirectly, and are therefore allowable as dependent on an allowable claim.

In view of the foregoing, it is requested that the rejection of Claims 1-4, 10 and 17 under 35 U.S.C. § 102 be withdrawn.

Rejection of Claims under 35 U.S.C. § 103

In the Office Action, Claims 11, 16 and 19 were rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Dimitrova et al. (U.S. Patent Application Publication No. 2004/0085340).

Claims 11, 16 and 19 each depend indirectly on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that Dimitrova et al. teach or make obvious, alone or in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that Dimitrova et al. do not. Thus, Claims 11, 16 and 19 are allowable over the combined teaching of Crane et al. and Dimitrova et al.

In the Office Action, Claims 13, 18 and 20–22 were rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Cabasson et al. (U.S. Patent No. 6,956,904).

Claims 13, 18 and 20–22 each depend indirectly on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that Cabasson et al. teach or make obvious, alone or in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that Cabasson et al. do not. Thus, Claims 13, 18 and 20–22 are allowable over the combined teaching of Crane et al. and Cabasson et al.

In the Office Action, Claim 7 was rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Hua et al. (U.S. Patent No. 7,127,120).

Claim 7 depends indirectly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that Hua et al. teach or make obvious, alone or in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that Hua et al.

do not. Thus, Claim 7 is allowable over the combined teaching of Crane et al. and Hua et al.

In the Office Action, Claims 12 and 14 were rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Nakamura et al. (U.S. Patent Application Publication No. 2003/0187919).

Claims 12 and 14 each depend indirectly on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that Nakamura et al. teach or make obvious, alone or in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that Nakamura et al. do not. Thus, Claims 12 and 14 are allowable over the combined teaching of Crane et al. and Nakamura et al.

In the Office Action, Claims 5, 6, 8, 9, 18 and 25 were rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Shimazaki et al. (U.S. Patent No. 6,160,950).

Claims 5, 6, 8, 9, 18 and 25 each depend, either directly or indirectly, on Claim 1 and therefore include the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that Shimazaki et al. teach or make obvious, alone or

in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that Shimazaki et al. do not. Thus, Claims 5, 6, 8, 9, 18 and 25 are allowable over the combined teaching of Crane et al. and Shimazaki et al.

In the Office Action, Claim 23 was rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Nishi et al. (U.S. Patent No. 6,681,395).

Claim 23 depends directly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that Nishi et al. teach or make obvious, alone or in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that Nishi et al. do not. Thus, Claim 23 is allowable over the combined teaching of Crane et al. and Nishi et al.

In the Office Action, Claim 24 was rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Nishi et al. (U.S. Patent No. 6,681,395) and Shimazaki et al. (U.S. Patent No. 6,160,950).

Claim 24 depends indirectly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in

Claim 1. It has not been contended that Nishi et al. and/or Shimazaki et al. teach or make obvious, alone, together or in any combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that they do not. Thus, Claim 24 is allowable over the combined teaching of Crane et al., Nishi et al. and Shimazaki et al.

In the Office Action, Claim 15 was rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of Dimitrova et al. (U.S. Patent No. 6,100,941).

Claim 15 depends indirectly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that Dimitrova et al. teach or make obvious, alone or in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it appears that Dimitrova et al. do not. Thus, Claim 15 is allowable over the combined teaching of Crane et al. and Dimitrova et al.

In the Office Action, Claim 26 was rejected under 35 U.S.C. § 103 as unpatentable over Crane et al. (U.S. Patent No. 6,201,924) in view of the taking of Official Notice.

Claim 26 depends directly on Claim 1 and therefore includes the limitations of that claim. As discussed above, Crane et al. do not teach or make obvious a method for editing a visual recording stored on a data storage medium as recited in Claim 1. It has not been contended that the taking of Official Notice teaches or makes obvious, alone or in combination with the teaching of Crane et al., all of the aspects of the method of Claim 1 not taught or made obvious by the teaching of Crane et al., and it does not. Thus, Claim 26 is allowable over the combined teaching of Crane et al. and the taking of Official Notice.

In view of the foregoing, it is requested that the rejection of Claims 5-9, 11-16 and 18-26 under 35 U.S.C. § 103 be withdrawn.

New Claims

Claims 52-72 have been added.

Support for Claims 52 and 53 can be found in Applicants' specification at, for example, page 64, lines 11-15. Support for Claims 54-56 can be found in Applicants' specification at, for example, page 61, lines 21-26. Support for Claim 57 can be found in Applicants' specification at, for example, page 17, lines 20-23. Support for Claims 58-61 can be found in Applicants' specification at, for example, page 51, lines 17-27. Support for Claims 62-63 can be found in Applicants' specification at, for example, page 54, lines 29 35. Support for Claims 64-67 can be

found in Applicants' specification at, for example, page 48, line 7 to page 49, line 3.

Claims 52-67 each depend, directly or indirectly, on Claim 1 and are therefore allowable as dependent on an allowable claim.

Support for Claim 68 can be found in Applicants' specification at, for example, page 7, lines 5-9 and in Claim 1 as filed. Support for Claim 69 can be found in Applicants' specification at, for example, page 51, line 6, to page 52, line 3. Support for Claims 70 and 71 can be found in Applicants' specification at, for example, page 64, lines 11-15.

Claim 68 recites an apparatus for editing a visual recording stored on a data storage medium having limitations similar to those of Claim 1. Thus, Claim 68 is allowable for at least the reasons given above with respect to Claim 1. Claims 69-71 each depend, directly or indirectly, on Claim 68 and are therefore allowable as dependent on an allowable claim.

Support for Claim 72 can be found in Applicants' specification at, for example, page 7, lines 5-9 and in Claim 1 as filed.

Claim 72 recites computer readable medi(a) encoded with computer program(s) and/or data structure(s) for editing for editing a visual recording stored on a data storage medium having limitations similar to those of Claim 1. Thus, Claim 72 is allowable for at least the reasons given above with respect to Claim 1.

CONCLUSION

Claims 1-51 were pending. Claims 27-51 were withdrawn. Claims 1-26 were rejected. Claims 27-51 have been canceled. Claims 52-72 have been added. In view of the foregoing, it is requested that Claims 1-26 and 52-72 be allowed. If the Examiner wants to discuss any aspect of this application, the Examiner is invited to telephone Applicants' undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, facsimile number (571) 273-8300, on June 20, 2008.

6-20-08 David R. Graham
Date Signature

Respectfully submitted,

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